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UNCLAS SECTION 01 OF 03 KINGSTON 000310

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TAGS: [PGOV](#) [PREL](#) [CACS](#) [CPAS](#) [JM](#) [XL](#)
SUBJECT: JAMAICA: DUAL NATIONAL MP NOT ELIGIBLE TO SERVE IN
PARLIAMENT

REF: A. 07 KINGSTON 1336
[1](#)B. KINGSTON 280
[1](#)C. 07 KINGSTON 1389
[1](#)D. KINGSTON 245

Summary

[1](#)1. (SBU) In the afternoon of April 11, Chief Justice Zaila McCalla of the Supreme Court announced her judgment in the first case of election petitions filed alleging that an elected Member of Parliament (MP) had been improperly nominated; as he had sworn allegiance to a foreign power. The case was brought to the courts by Abe Dabdoub of the People's National Party (PNP), who lost the race for the West Portland seat to the Jamaica Labour Party's Daryl Vaz. McCalla citing numerous cases of common law, and ruled that although Daryl Vaz acquired U.S. citizenship through his American mother as a minor, his subsequent renewals of his U.S. passport and the act of traveling extensively using the U.S. passport showed voluntary allegiance to the U.S. She further stated that, although the PNP legal team had requested Dabdoub be instated as MP, she was unable to disenfranchise the voters who had not had sufficient evidence that Vaz was ineligible for Parliament. Therefore she ruled there must be a by-election to determine a new representative for the West Portland constituency.

Daryl Vaz

[1](#)2. (SBU) Daryl Vaz was born in Jamaica on December 15, 1963. His father Douglas Vaz is Jamaican, and a former MP himself. His mother Sonia Vaz was born in Puerto Rico and a U.S. citizen. Shortly after Vaz's birth in Jamaica, his mother registered his birth abroad at U.S. Embassy Kingston. Daryl's first foray into representational politics came at the age of 19 when he was elected councillor for the Waterloo division of the Kingston and St Andrew Corporation (KSAC) in [1](#)1981. After just one term in local government, he walked away from politics. Vaz moved to Florida and pursued a degree at Miami Dade Community College. After his studies, Vaz got involved in the automotive sales industry and remained a businessman until his return to politics for last year's national elections, when he won the popular vote for West Portland over the PNP's Dabdoub by a total of 6,977) 6,063 (Ref A).

[1](#)3. (U) Vaz's popularity in Portland began before the September 2007 elections. He assisted the JLP campaign in East Portland in 2003 during local elections. Then eyeing an eroding lead in the PNP's performance in recent elections in West Portland, he prepared to make his grand return to active politics. He made his home in West Portland, and distributed

over 4,000 school bags and other school supplies to students in the district. The 45-year old businessman also helped with the rehabilitation of a local park and began to preach about a coming JLP government that would lead a revitalization of Portland.

Abe Dabdoub champion of election disputes?

¶4. (U) Dabdoub's election petition against Vaz was not his first success in election law. In 1997, then a member of the JLP himself, he challenged the PNP's Phyllis Mitchell for the North East St Catherine seat. Initially Mitchell was declared the winner by a margin of 4,750 to 4,713. However, Dabdoub rushed to the courts and filed an election petition claiming that the PNP candidate had benefited from impropriety in the voting and the court agreed throwing out several votes for Mitchell and proclaiming Dabdoub the winner. Shortly after the 2002 general elections he left the JLP, unhappy with the return of Bruce Golding to the party, and joined the PNP.

Results of the Supreme Court Case in Dabdoub v. Vaz

¶5. (U) Chief Justice of the Supreme Court, Zaila McCalla, declared the Daryl Vaz was to be disqualified from serving in Parliament because his nomination had been in violation of the Constitution of Jamaica. The judge gave a long explanation, citing numerous cases in common law, for her decision. However the key point was her determination that although Vaz had naturalized as a minor involuntarily, by his own act of renewing U.S. passports and continuing to travel extensively using the U.S. passport he had demonstrated

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voluntary allegiance to the United States. Since the Jamaican Constitution in section 42 prohibits anyone who has sworn an allegiance to a foreign power from being nominated for Parliament, &he was not qualified to be elected and his nomination was null and void.⁸

¶6. (SBU) Dabdoub was not present during the ruling; his lawyer stated that his client had a prior commitment and regretfully could not be present. On the JLP side, Speaker of the House, Delroy Chuck, sat at the table beside the legal team of Daryl Vaz. A handful of other JLP faithful were seen in attendance, along with Vaz and his wife Anne-Marie. Shortly before the final decision was handed down other JLP stalwarts were seen in the hallway outside the courtroom, including Area Council 2 Chairman James Robertson, who poked his head inside the room long enough to catch the Judge's proclamation that a by-election should be held to determine the MP for West Portland. The defense team of Dabdoub was clearly disappointed in the split decision by Judge McCalla. Dabdoub and the PNP were pressing for the judge to declare votes for Vaz to be void and therefore Dabdoub the unanimous victor in the race. However, McCalla stated that since Chief of the Election Commission Danville Walker had made at least two official public statements that all candidates for Parliament had been duly and legally nominated, the voters did not have sufficient reason to believe Vaz was not a legal candidate.

A 42-Day Stay and More Appeals to Come

¶7. (U) Legal counsel for both sides expressed an intent to appeal the decision made by the Supreme Court. The petitioner (Dabdoub) wishing to be declared the de-facto MP since the votes for Vaz were made invalid by his ineligibility to run. The Respondents still maintain that Vaz's acts were not evidence of allegiance to the United States and state that the people have spoken by electing Vaz in the first place. The PNP legal team also requested a stay while they prepare their appeal and asked that the judge

defer the by-election until such an appeal can be filed. The JLP counsel requested that Vaz be allowed to remain in Parliament until all appeals have been decided. The judge ruled for a 42-day stay in the case until she can properly evaluate the requests, and agreed that Vaz should be allowed to remain in Parliament during the 42-day period.

The Domino Effect

¶8. (SBU) The Vaz case is just the first of four cases brought by the PNP against elected MPs of the JLP claiming allegiances to foreign powers make their nominations unlawful. The remaining three cases are against: the second term MP from St Ann North East, Shahine Robinson; Gregory Mair in St Catherine North Eastern; and Michael Stern of Clarendon North Western. Robinson and Stern were both U.S. Citizens at the time of nomination, but Stern has since renounced citizenship. Mair is alleged to possess Venezuelan citizenship; however his legal team won the initial case, claiming that the petition had been improperly served while he was sitting in Parliament. (Comment: Among all four disputed candidates, Shahine Robinson appears to have the weakest case, since she became a naturalized citizen of the U.S. as an adult. During her previous term, when the PNP had a clear majority in Parliament, no one challenged her citizenship. Also, Ian Hayles, PNP MP for Hanover Western has publicly admitted that he did not officially renounce his U.S. Citizenship until after the election, so the PNP has its own concerns with dual-national MPs. End Comment.)

¶9. (SBU) Vaz has announced that he will renounce U.S. Citizenship and prepare to run again for the seat during a by-election. He called the CDA from the Prime Minister's office within an hour of the court decision, seeking information about renouncing his U.S. Citizenship, and was referred to the American Citizen Services (ACS) section of the Embassy and informed the ACS Chief that he would like to begin the process of renunciation as quickly as possible. In a press conference after the court decision, fellow JLP MP James Robinson predicted to the media that the JLP margin of victory in the by-election will be by 3,000 votes.

Snap Elections or By-Elections?

¶10. (SBU) Following the chief Justice's ruling, the Opposition PNP says it is not hoping for a general election

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this year, but if one is announced, it will put up a strong showing. In an interview with the Sunday Gleaner Newspaper, PNP General Secretary Peter Bunting stated, &We are not clamoring for a general election.8 At least some political analysts predict the prospect of a series of potential by-elections may lead Prime Minister Bruce Golding (Ref C) to call a general election instead. With his support at an all-time high in public opinion polls, and the Opposition PNP split into factions and rocked by numerous scandals and corruption allegations from their previous 18 year reign (Ref D), a general election may soon be too inviting for the JLP to forgo.

JOHNSON